

Customer No.: 31561  
Docket No.: 9677-US-PA  
Application No.: 10/605,255

### REMARKS

#### Present Status of the Application

The Office Action objected to claim 1 because of informalities. The Office Action also rejected claims 11-20 under 35 U.S.C. 112, first paragraph. The Office Action also rejected claims 1-20 under 35 U.S.C. 112, second paragraph. The Office Action further indicated that claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and include all of the limitations of the base claim and any intervening claims. Applicants appreciate this indication of allowable subject matter and Applicants have amended claims 1 and 3 respectively to overcome the rejection under 35 U.S.C. 112, second paragraph. No new matter has been added to the application by the amendments made to the claims. For at least the following reasons, it is submitted that claims 1-10 are in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

#### Discussion of objections

The Office action stated that claim 1 is objected to because of the following informalities: In line 27 of claim 1, the phrase "the the floating gate" appears to be a typo error for --the floating gate--. Applicants respectfully agree with this indication and have amended claim 1 to correct this typo error.

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### Discussion of Office Action Rejections

*The Office Action rejected claims 11-20 under 35 U.S.C. 112, first paragraph and stated that " because the specification, while being enabling for "forming a tunnel dielectric layer and a first conductive layer on a substrate", does not reasonably provide enablement for "forming a buried source/drain region in the substrate sideways adjacent to the first conductive layer" ....".*

Applicants have amended claim 11 and claim 11 recites:

Claim 11. A method of fabricating a flash memory, comprising:

**forming a patterned layer structure on a substrate, wherein the patterned layer structure comprises a tunneling dielectric layer and a first conductive layer formed over the substrate successively;**

.....  
**forming a control gate on the gate dielectric layer.**

Applicants have deleted the limitation about "forming a buried drain region" to overcome the rejection under 35 U.S.C. 112, first paragraph. No new matter has been introduced into the application by the amendments made herein.

*Furthermore, the Office Action also rejected claims 1-20 under 35 U.S.C. 112, second paragraph and stated that " In line 27 of claim 1, "the floating gate" lacks antecedent basis..... Claim 3 and 13 recite the limitation "the material layers" in claim 2 and 12 respectively and there is insufficient antecedent basis for this limitation in the claim....In line 4 of claim 11, the phrase "source/drain region" is unclear.....Claim 18*

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*recites the limitation "the mask layer" in claim 11 and there is insufficient antecedent basis for this limitation in the claim."*

In response thereto, Applicants have amended claim 1 by adding the "the first conductive layer and the second conductive layer together form a floating gate" into the step of forming the second conductive layer for providing a proper antecedent for "the floating gate". Moreover, Applicants have amended claims 3 and 13 by replacing "layers" with "layer" basing on the teaching from the paragraph [0021] of the present invention. No new matter has been added to the application by the amendments made to the claims 3 and 13. Also, Applicants have amended claim 18 by replacing "the mask layer" with "the top surface of the first conductive layer".

Therefore, it is submitted that claims 1-20 are in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

**Allowable Subject Matter**

The Office Action further indicated that claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and include all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 1 and 3 to correct the editorial errors. It is submitted that these claims are in condition for allowance.

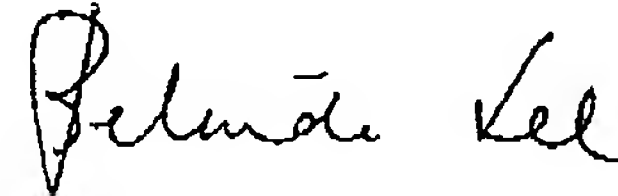
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**CONCLUSION**

For at least the foregoing reasons, Applicant respectfully submits that claims 1-20 are in a proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date : April 4, 2005



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